

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKRECEIVED
SDNY PRO SE OFFICE

2016 MAR 11 PM 9:34

Anthony Matteo**16 CV 1837**

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Superintendent Perez And -
- Downstate Correctional Facility**COMPLAINT**

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial ☒ Yes ☐ No
(Check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Address should be included here)

I. Parties in this Complaint

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Anthony Matteo
 ID# 12A2882
 Current Institution Downstate Correctional Facility
 Address Box F, red schoolhouse road
Fishkill, N.Y 12524-0445

- B. List all defendants' names. Positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of papers as necessary.

Defendant No. 1 Name Superintendent Perez Shied # _____
 Where Currently Employed Downstate Correctional Facility
 Address: 121 Red Schoolhouse Road
P.O. Box 445, Fishkill, N.Y. 12524

Defendant No. 2 Name _____ Shied # _____
 Where Currently Employed _____
 Address _____

Defendant No. 3 Name _____ Shied # _____
 Where Currently Employed _____
 Address _____

Defendant No. 4 Name _____ Shied # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shied # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claim. Do not cite any case or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? Downstate
Correctional Facility
- B. Where in the institution did the events giving rise to your claim(s) occur? in my cells
And the Showers, there's no heat working inside of cell & no hot water running in Showers
- C. What date and approximate time did the events giving rise to your claim(s) occur? _____
From January 8 to as of now and intill Heating for cells
and water is fixed.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Downstate correctional facility

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not know ☐

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all your claim(s)?

Yes ☒ No ☐ Do Not know ☐

If YES, which claim(s)? the heat doesn't work in cells and showers are Ice cold

D. Did you file a grievance in the jail, prison, or other facility correctional where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint, where did You file the grievance?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the Grievance?

Downstate correctional facility

1. Which claim(s) in this complaint did you grievance the cold cells with no heat, and the showers always being Ice cold and me getting Sick

2. What was the result, if any? After 16 days NO response from the Grievance Clerk so I sent Notice to appeal to Superintendent Perez

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to The highest level of the grievance process. On february 12 I wrote and placed An Grievance about the cold cells e showers in the Grievance Box. after 216 days I didnt get NO response so under Directive 4040, Section 701.5(c)(1) I Appealed To the NEXT STAGE And wrote a letter to Superintendent Perez about this matter. also february 19 2016 many captain-c-walter staff attorney sent a notice about the cold cells e showers on my behalf and other inmates complaining about the SAME issues (Nothing Done about this problem

F. If you did not file a grievance:

1. If there are any reason why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any official of your claim, state who you informed, when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. the Action requested on my Grievance was as follows that the heat be turned on, fixed, that the Shower pipes be repaired or water Heating System be repaired soon or I be transferred to a house with heat & hot water or to be transferred to another Facility in which there is hot water & heat working.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, That you are seeking and basis for such amount). I Am Seeking Compensation for

the amount of 1,000,000.00 upon the 8/14 Const Amend
toward Cruel & Unusual Punishment, Pain & Suffering, Mental
anguish, ect.

VI. Previous lawsuit:

On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No X

- B. If your answer to A is yes, describe each lawsuit by answering questionings 1 through 7 below. (If there is more than one law suit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district, if state court, name the county) _____

3. Docket or index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

7. What was the result of the case? (For example: Was the case dismissed? Was there Judgment in your favor? Was the case appealed? _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____ No X

- D. If your answer to C is Yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, Using the same format.)

1. Parties to previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district, if state court, name the county) _____
3. Docket or index number _____
4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes _____ No _____
7. What was the result of the case? (For example: Was the case dismissed? Was there Judgment in your favor? Was the case appealed? _____

I declare under penalty of perjury that the forgoing is true and correct.

Signed this 7 day of MARCH, 20 16.

Signature of Plaintiff

Anthony Mallet

Inmate Number

12A2882

Institution Address

Downstate, Corr, Fac
Box F, Red Schoolhouse Road
FISHKILL, NY 12524

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 7 day of MARCH, 20 16, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff

Anthony Mallet

Prisoners' Legal Services of New York

Karen L. Murtagh
Executive Director

James Bogin
Managing Attorney

41 State Street, Suite M112
Albany, New York 12207
Tel.: (518) 438-8046
FAX: (518) 438-6643

Rosa Cohen-Cruz
Sophia Heller
Matthew McGowan
Mary Cipriano-Walter
Staff Attorneys

BY FAX AND MAIL

February 19, 2016

Superintendent Perez
Downstate Correctional Facility
121 Red Schoolhouse Road
P.O. Box 445
Fishkill, New York 12524-0445

Re: Cold Temperatures at Downstate Correctional Facility

Dear Superintendent Perez:

Our office has received information from Mr. Anthony Matteo, 12-A-2882, who is currently housed at Downstate Correctional Facility, about the living conditions at Downstate. Mr. Matteo wrote to our office expressing concern over the cold temperatures he has had to endure since his arrival at Downstate.

Mr. Matteo arrived at Downstate on January 8, 2016 and since his arrival, he has told us that his living quarters have been exceptionally cold. Mr. Matteo was originally housed in 3B, 33 cell, but he has since been moved to 1G, 1 cell. The freezing cold temperatures were present in both of the cells Mr. Matteo occupied. The temperature has been so cold in Mr. Matteo's cell that he must sleep with multiple layers of clothes on and cover himself in three blankets. In addition to the unbearably cold temperatures in his cell, Mr. Matteo has also told us that the water in the showers is very cold every time he takes a shower.

In addition to Mr. Matteo's claims, we have received similar complaints from several other individuals currently housed at Downstate. We, therefore, request that you work with the staff at Downstate to ensure that the cells and showers throughout Downstate have appropriate temperatures.

Thank you for your time and attention to this matter.

Sincerely,

Mary Cipriano-Walter
Staff Attorney

Prisoners' Legal Services of New York

Karen L. Murtagh
Executive Director

James Bogin
Managing Attorney

41 State Street, Suite M112
Albany, New York 12207
Tel.: (518) 438-8046
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Rosa Cohen-Cruz
Sophia Heller
Matthew McGowan
Mary Cipriano-Walter
Staff Attorneys

February 19, 2016

Anthony Matteo
12-A-2882
Downstate Correctional Facility
P.O. Box 445
Fishkill, NY 12524-0445

Dear Mr. Matteo:

We recently received your letter, dated February 10, 2016, along with your grievance and your completed request for services packet. We have made a copy of your grievance for our file and enclosed the original.

After reviewing the information you provided, we wrote a letter to the Superintendent of Downstate Correctional Facility, explaining your concerns and asking that she ensure the facility temperatures are appropriate. I have enclosed a copy of our letter for you to review.

I will let you know if and when we receive a response from the Superintendent. In the meantime, please let us know if there is an improvement in facility temperatures or if there are any other developments in relation to the temperature issue at Downstate.

Sincerely,



Mary Cipriano-Walter
Staff Attorney

Inmate Grievance Complaint

2-12-16

Name - Anthony Matteo

Downstate Correctional Facility

Date - 2-12-16

Housing unit - 1G-1

DIN# J12A2882

I've been here at Downstate Correctional Facility, Since January 8th 2016 and the reason for this Grievance is as follows - Since the 8th of January on complex 3 B-33 cell and 1G-1 cell both cells are extremely freezing the air comes from the windows and the heat does not work inside of both cells, so I'm forced to sleep with a sweater, jacket, 2 socks and 3 blankets. It's extremely freezing inside of ~~my cell~~ my cell were I sleep and spend 16 hrs of the day inside. Also this Grievance is about the showers, the water temperature ^{was} ~~is~~ cold on both complex 3 ~~and~~ and 1 ~~cell~~. There's no hot water so I'm forced to take ice cold showers all the time, when showers are given.

under Section 9 of New York codes, rules, and regulations
(9 NYCRR §§ 7602.5, 7602.8, 7602.7, 7602.4)

Action Requested this is cruel and ~~un~~unusual punishment. I'm requesting that the heat be turned on, fixed, ~~and~~ that the shower ~~pipes~~ be repaired, or water heating system, be repaired soon, or I be transferred to a house with heat & hot water or be transferred to a medium facility in which there is heat & hot water for showers

Thank you

2-28-16

FROM

ANTHONY MATTEO

DIW # 12A2882

HOUSING LG-1

DOWNSTATE, CORR, FAC

TO THE GRIEVANCE CLERK AS FOLLOWS...

AND TO SUPERINTENDENT PEREZ

SIXTEEN (16) CALENDAR DAYS HAVE PASSES WITHOUT A DECISION BY THE I.G.R.C. I HAVE NOT SIGNED AN EXTENSION FORM. I AM EXERCISING MY RIGHTS UNDER DIRECTIVE 4040, SECTION 701.5(c)(1), TO APPEAL TO THE NEXT STAGE. I WANT MY APPEAL SENT TO THE SUPERINTENDENT.

THANK YOU!

THE GRIEVANCE COMPLAINT
IS DATED 2-12-16 AND

A COPY IS BEING SENT
ALONG WITH THIS NOTICE!

C.C.

Anthony Matteo

Inmate Grievance Complaint

#2

Anthony Matteo
 12A2882
 2-26-16
 Housing 1-G-1

Downstate Correctional Facility

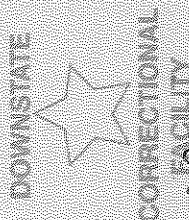
This is my second Grievance and the reason is as follows
 on February 12, 2016 I wrote and dropped a Grievance containing about freezing cold cells
 and showers and today is the 26th of February and I Anthony Matteo has still not
 been called down to Grievance to resolve this matter.
 ALSO I'm writing up the Sickcall staff as of now February 26th 2016
 because I got sick from the cold freezing cell and shower so I went
 to Sickcall on February 16th 2016 and was medical Restricted/Key locked
 for 3 days (from the 16 to the 19) so I was forced to stay locked inside of
 my freezing cold cell 24 hr a day for 3 days, because I went to Sickcall
 and did not feel good from the cold cell and showers.
 This is cruel AND unusual Punishment.....

Action Requested - IF I got sick from the cold temperatures of my cell
 and the shower, why WASN'T I ANTHONY MATTEO medical Restricted
 to the infirmary where the heat works and the hot water is always
 working? also I would like to know why my 1st Grievance still
 hasn't been answered yet? ~~and when will I be called to~~

THANK You!

C.C.

Anthony Matteo Din #12A2882
Box F
Red Schoolhouse Road
Fishkill, NY 12524-0445
Downstate Correctional Facility



Pro Se Office
United States District Court
Southern District of New York

DANIEL PATRICK MOYNIHAN United States Courthouse
500 Pearl Street, Room 230
New York, New York 10077



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SONY PRO SE OFFICE
2016 MAR 11 AM 9:34

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